

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

Optional: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Preliminary Plat #01016
Special Permit #692L

DATE: December 19, 2001

PROPOSAL: To develop 36 units of single- and two-family elderly or retirement housing within the Tabitha New Community C.U.P.

WAIVER REQUESTS: Turn around radius
Allowing sanitary sewer and water main on the same side of Enterprise Drive
Sidewalks on one side of all private roadways
Side yard setbacks from 10 feet to 5 feet on all lots
Front yard setbacks on several lots
Rear yard setbacks on many lots
(for a complete list, see attachments)

LAND AREA: 61.96 acres (entire C.U.P.)
4.32 acres (this amendment)

CONCLUSION: The proposed preliminary plat, special permit for elderly housing and community unit plan will provide housing for a population with special needs.

The request to waive sidewalks on one side of the private roadways is not appropriate; sidewalks will promote pedestrian circulation and provide access to the Tabitha recreation facilities.

RECOMMENDATION:

Preliminary Plat: Conditional Approval

Special Permit: Conditional Approval

Request to waive sidewalks: Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-8, Block 8; Lots 17-27, Block 9; Lot 1, Block 10; Lot 1, Block 11; Outlots A, C, and D; and a portion of the remaining portion of Outlot A; all in Tabitha New Community Addition; and a portion of vacated Farmstead Rd.; located in the NE 1/4 of Section 1, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: East of Enterprise Drive, north of Folkways Blvd.

APPLICANT: Southview, Inc.
3355 Orwell St.
Lincoln, NE 68516

CONTACT: Brian D. Carstens & Associates
601 Old Cheney Road - Suite C
Lincoln, NE 68516
434-2424

EXISTING ZONING: R-3 under the Tabitha New Community C.U.P.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North: R-4 single family housing within the Tabitha C.U.P.
South: R-2 two-family housing and townhouses within the Tabitha C.U.P.
East: B-2 developing commercial across N. 27th Street
West: R-2 townhouses within the Tabitha C.U.P.

HISTORY:

July 16, 2001 City Council approved Special Permit #692-K, which converted 28 apartment units into 28 domiciliary care units within existing apartment buildings, modified existing apartment buildings to meet ADA standards, and added a covered walkway between apartment buildings.

July 10, 1995 City Council approved Special Permit #692-J, which amended the Tabitha New Community C.U.P. to permit the storage of recreation vehicles on property located at N. 27th Street and vacated Farmstead Road.

- Aug. 15, 1994** City Council approved Special Permit #692-I, which amended the Tabitha New Community C.U.P. to authorize the construction of two single-family dwellings between Enterprise Drive and Farmstead Road.
- Aug. 23, 1993** City Council approved Special permit #692-H, which amended the voided Resolution No. A-60889 to allow patios, decks, and non-heated/plumbed enclosed porches to be located within an outlot within the community unit plan.
- June 5, 1989** City Council approved Special Permit #692-G, which amended the Tabitha New Community C.U.P. by permitting open decks in rear yards on Lots 5, 6, 7, and 8, Block 1, Tabitha New Community 2nd Addition.
- Jan. 21, 1986** City Council approved Change of Zone #2223, which changed the zoning from B-1 to R-2 in a small portion of the Tabitha development.
- June 11, 1984** City Council approved Special Permit #692-F, which amended the Tabitha New Community C.U.P. to create 10 duplex attached units on property west of Enterprise Drive and north of Folkways Boulevard.
- This property was converted from A-2 Single Family Dwelling, B Two Family Dwelling and G Local Business to R-2 Residential, R-3 Residential, R-4 Residential, and B-1 Local Business District in the **1979 Zoning Update**.
- Feb. 12, 1979** City Council approved Special Permit #692-E, which amended the Tabitha New Community C.U.P. to create lots for individual garage stalls on Blocks 1 and 9 of Tabitha New Community Addition.
- July 25, 1977** City Council approved Special Permit #692-D, which amended the Tabitha New Community C.U.P. to allow the construction of single family lots on Ventura Drive and Cloudburst Lane. This resolution rescinded Special Permits 692-A, 692-B, and 692-C. It also rescinded the already-voided Resolution No. A-60889 for Special Permit 692.
- April 11, 1977** City Council approved Special Permit #692-C, which amended the Tabitha New Community C.U.P. by adding 11 single family lots and 100 multiple family dwelling units.
- Aug. 25, 1975** City Council approved Special Permit #692-B, which added 88 units of multiple family dwellings to the community unit plan.

March 24, 1975 City Council approved Special Permit #692 (Resolution No. A-61683), which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27th Street and Fletcher Avenue. This resolution replaced the April 22, 1974 resolution.

March 17, 1975 City Council approved Special Permit #692-A, which added Tabitha New Community First addition to the community unit plan.

April 22, 1974 City Council approved Special Permit #692, which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27th Street and Fletcher Avenue. This Resolution No. A-60889 was rendered null and void by the applicant's failure to return the required Letter of Acceptance.

April 15, 1974 City Council approved Change of Zone #1357, which changed the zoning on a small parcel of land within the future Tabitha development from A-2 Single Family to G Local Business.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map identifies the area as Urban Residential.

On page 44, the Comprehensive Plan identifies the following as a goal for Urban Residential areas:

Encourage the development of housing that is appropriate to the requirements of households with special needs, including but not limited to, the elderly, the physically and/or mentally challenged, and households in crisis.

UTILITIES: Available

TOPOGRAPHY: Sloping from north to south.

TRAFFIC ANALYSIS: N. 27th Street is a principal arterial in the future functional street and road classification.

PUBLIC SERVICE: The closest fire station is Number 10, at N. 14th Street and Adams Street.

REGIONAL ISSUES: The availability of elderly housing.

AESTHETIC CONSIDERATIONS: The rest of Tabitha features clusters of housing among open areas. This proposal is more densely clustered and contains no common open areas.

ALTERNATIVE USES: Provide more open space while maintaining the same number of units. Block 2 could be arranged so that the six housing units share a common interior yard, for example.

ANALYSIS:

1. The area of this portion of the Tabitha C.U.P. would permit 20 dwelling units if its density were calculated separately. The proposed 26 units do not exceed cluster density maximums.
2. The houses in Blocks 2 and 3 are tightly grouped. This arrangement, which results in minuscule yards, would not normally be acceptable. For elderly or retirement housing, reduced yards can be appropriate. In this case, none of the houses should be more than one story tall.
3. Sidewalks are required by the Subdivision Ordinance, and this development is not of such an unusual size, shape, or character that waiving them is necessary. If this development is to take advantage of the Tabitha recreation facilities, it must have good pedestrian linkages to those facilities.
4. The applicant has not requested a reduction in lot area requirements; however, the special permit for elderly housing states "the minimum lot area of the district... shall not apply." (§27.63.210(b) L.M.C.)
5. On some lots, buildings could potentially fill most of the open space shown on the plan. The drawings should identify a building envelope in addition to the yards.
6. Opaque fences should be prohibited in Blocks 2 and 3. If the relatively small amount of open space were partitioned by fences, some of the rear yards would become uninhabitable.

PRELIMINARY PLAT CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

- 1.1 Revise the preliminary plat to show:
 - 1.1.1 Sidewalks on both sides of the streets and private roadways.
 - 1.1.2 Easements as requested by L.E.S.
 - 1.1.3 Revise the proposed 4' walk on the north end of N. 26th Place so that it does not go through the turnaround.
 - 1.1.4 To the legal description, add "a portion of vacated Farmstead Rd".
 - 1.1.5 Sign the Surveyor's Certificate.
 - 1.1.6 Revise the grading and drainage to the satisfaction of Public Works & Utilities.
 2. The City Council approves associated request:
 - 2.1 Special Permit #692L
 - 2.2 The following exceptions to the design standards:
 - 2.2.1 A reduction in turnaround radius from 30 feet to 22.5 feet on N. 26th Place.
 - 2.2.2 Sanitary sewer being located on the same side of Enterprise Drive as the water main.
- General:
3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 3.2.2 To complete the private improvements shown on the preliminary plat and Community Unit Plan.
- 3.2.4 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.5 To continuously and regularly maintain the street trees along the private roadways and landscape screens.
- 3.2.6 To submit to the lot buyers and builders a copy of the soil analysis.
- 3.2.7 To pay all improvement costs.
- 3.2.8 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.9 To protect the remaining trees on the site during construction and development.
- 3.2.10 To properly abandon any individual sewer systems and wells to the satisfaction of the Lincoln-Lancaster County Health Department.
- 3.2.11 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.2.12 To relinquish the right of direct vehicular access to N. 27th Street from Lots 1-14, Block 1.

SPECIAL PERMIT CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Provide density calculations on the site plan.
 - 1.1.2 A sidewalk connection from Blaine Court to N. 26th Place.
 - 1.1.3 Add a note to the site plan indicating that no structure on Block 2 or 3 shall be more than one story in height.
 - 1.1.4 Add a note to the site plan indicating that decks and patios shall not be enclosed or covered if they are within front, rear or side yard setbacks.
 - 1.1.5 Provide a lot area table.
 - 1.1.6 Dimension the setback on the northwest corner of Lot 12, Block 3.
 - 1.1.7 Add a note indicating that opaque fences are prohibited in Blocks 2 and 3.
 - 1.1.8 Dimension building envelopes rather than setbacks.
2. This approval permits 36 units of elderly or retirement housing within the Tabitha New Community C.U.P., provided that the City Council permits the following modifications:
 - 2.1 Setback reductions as indicated on the attached waivers list.
 - 2.2 Lot area as shown on the site plan.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.
- 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
 - 4.6 Final plats shall be approved by the City.
- 5. This resolution voids and supercedes special permit #692J, which permitted the storage of recreational vehicles on Lot 1, Block 11 of Tabitha New Community and vacated Farmstead Road.
- 5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits (Special Permit Numbers 692D, 692E, 692F, 692G, 692H, 692I, and 692K) remain in force unless specifically amended by this resolution.

Prepared by:

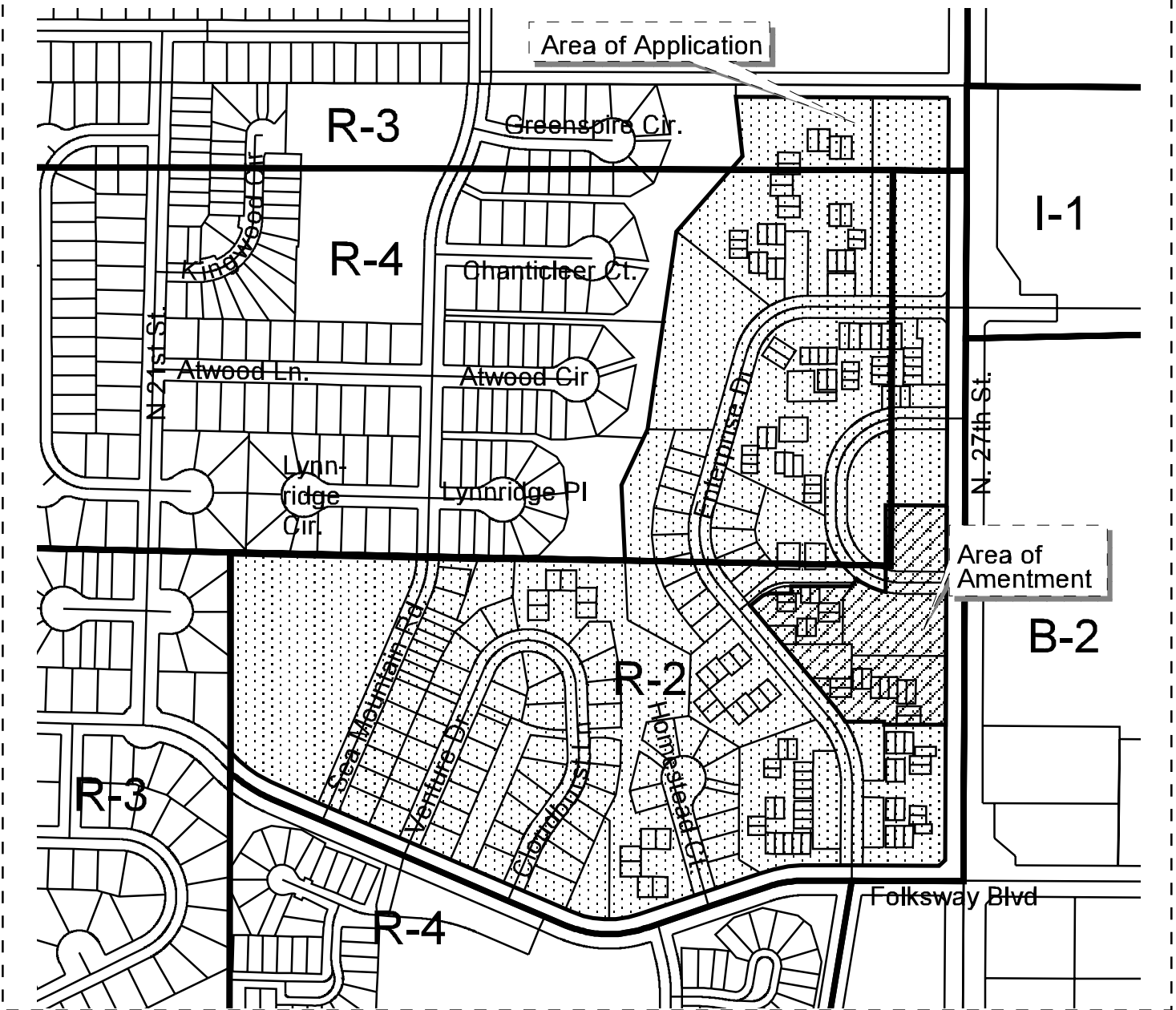
Jason Reynolds
Planner

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Preliminary Plat #01016
Special Permit #692L
N. 27th & Enterprise Dr.

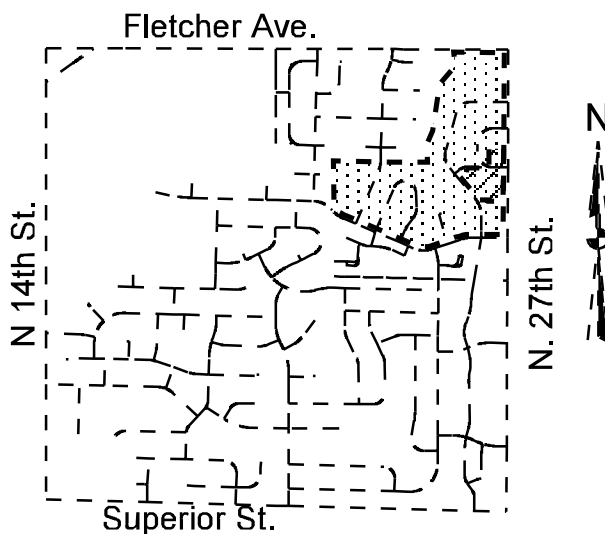
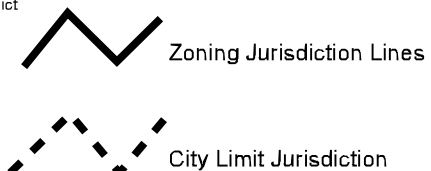


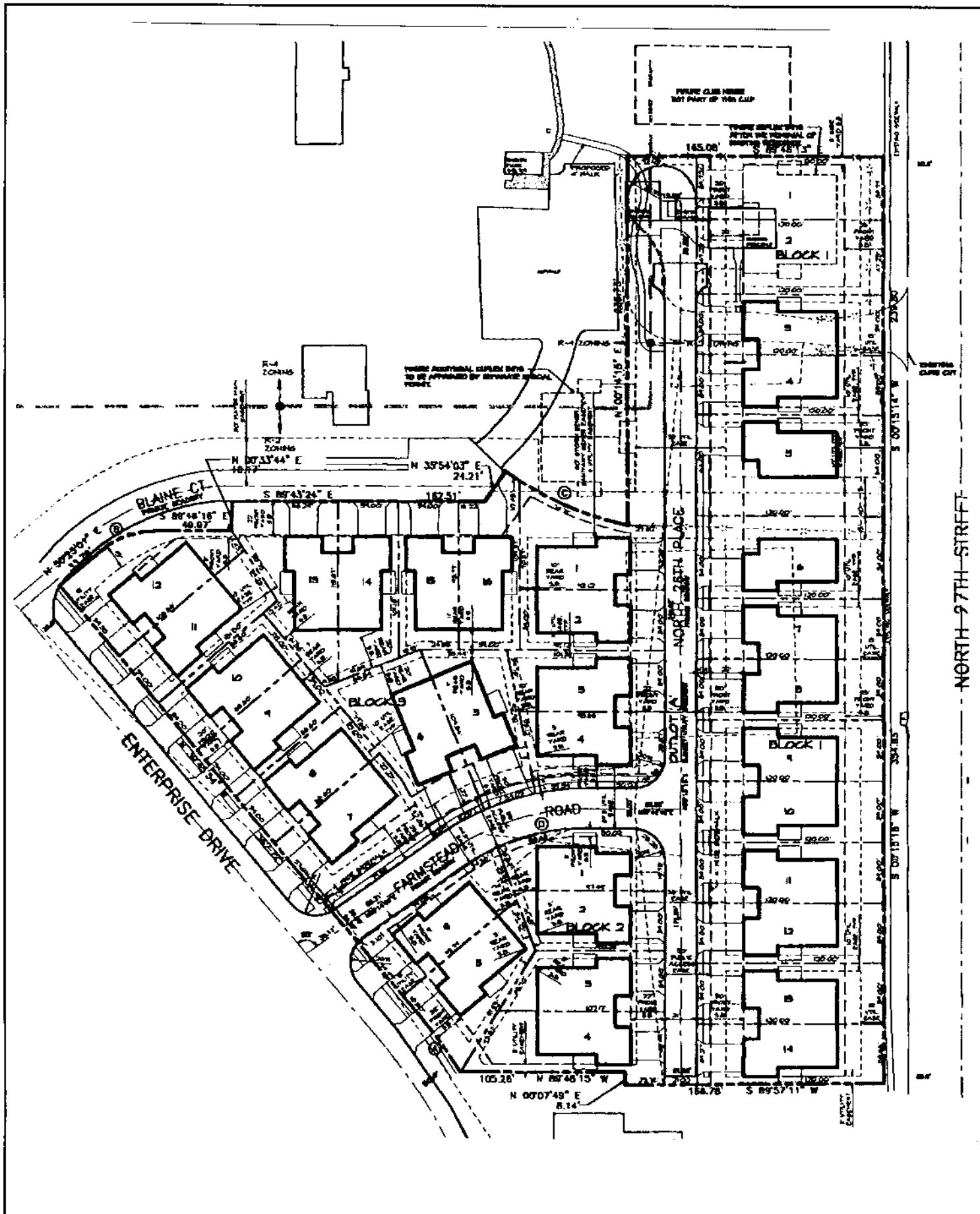


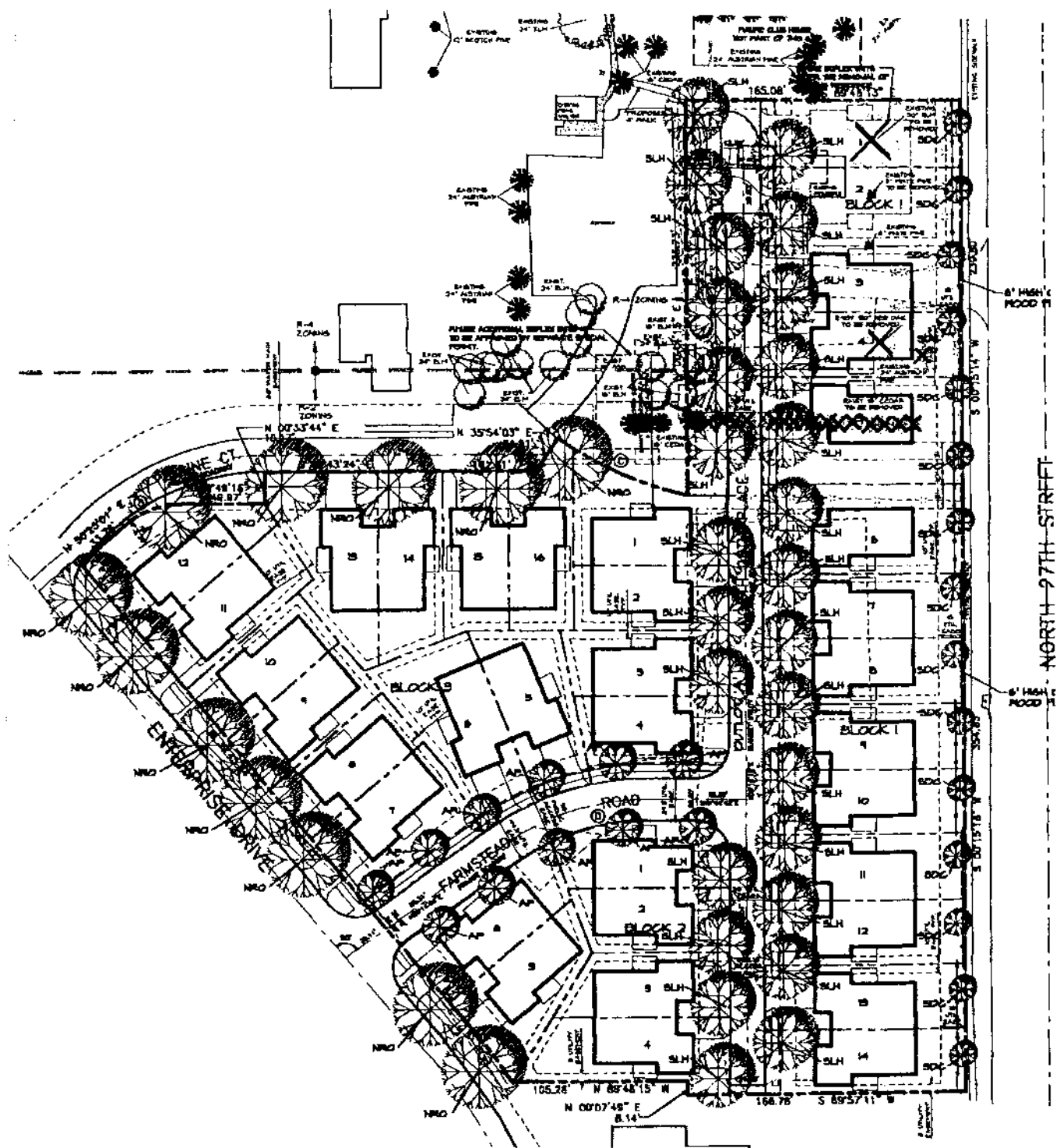
Preliminary Plat #01016
Special Permit #692L
N. 27th & Enterprise Dr.

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Employment Center District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 01 T10N R6E







REQUESTED WAIVERS

1. FRONT YARD SETBACK ON THE WEST SIDE OF NORTH 26TH STREET FROM 25 FEET TO 22 FEET.
2. FRONT YARD SETBACK ON THE EAST SIDE OF ENTERPRISE DRIVE FROM 25 FEET TO 20 FEET.
3. FRONT YARD SETBACK ON THE NORTH SIDE OF FARMSTEAD ROAD ON LOT 4 BLOCK 3 FROM 25 FEET TO 14 FEET.
4. FRONT YARD SETBACK ON THE SOUTH SIDE OF FARMSTEAD ROAD FROM 25 FEET TO 5 FEET.
5. FRONT YARD SETBACK ON THE NORTH PROPERTY LINE OF LOT 12, BLOCK 3 FROM 25 FEET TO 5 FEET.
6. FRONT YARD SETBACK ON THE SOUTH SIDE OF BLAINE COURT ON LOTS 13 THROUGH 16, BLOCK 3 FROM 25 FEET TO 22 FEET.
7. REAR YARD SETBACK ON LOT 1 & 2, BLOCK 3 FROM 18.62 FEET TO 10 FEET.
8. REAR YARD SETBACK ON LOT 3, BLOCK 3 FROM 19.52 FEET TO 10 FEET.
9. REAR YARD SETBACK ON LOT 4, BLOCK 3 FROM 17.68 FEET TO 5 FEET.
10. REAR YARD SETBACK ON LOT 5, BLOCK 3 FROM 20.24 FEET TO 7 FEET.
11. REAR YARD SETBACK ON LOT 6, BLOCK 3 FROM 23.01 FEET TO 20 FEET.
12. REAR YARD SETBACK ON LOTS 7, 8, 9 & 10, BLOCK 3 FROM 17.20 FEET TO 7 FEET.
13. REAR YARD SETBACK ON LOT 13, BLOCK 3 FROM 19.28 FEET TO 7 FEET.
14. REAR YARD SETBACK ON LOT 14, BLOCK 3 FROM 21.70 FEET TO 20 FEET.
15. REAR YARD SETBACK ON LOTS 15 & 16, BLOCK 3 FROM 19.15 FEET TO 11 FEET.
16. REAR YARD SETBACK ON LOT 1, BLOCK 2 FROM 20.62 FEET TO 14 FEET.
17. REAR YARD SETBACK ON LOT 2, BLOCK 2 FROM 18.08 FEET TO 5 FEET.
18. REAR YARD SETBACK ON LOT 3, BLOCK 2 FROM 19.05 FEET TO 5 FEET.
19. REAR YARD SETBACK ON LOT 5, BLOCK 2 FROM 18.79 FEET TO 5 FEET.
20. REAR YARD SETBACK ON LOT 6, BLOCK 2 FROM 20.45 FEET TO 14 FEET.
21. SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET ON ALL SINGLE FAMILY AND SINGLE FAMILY ATTACHED UNITS.
22. NO SIDEWALKS ALONG THE WEST SIDE OF NORTH 26TH STREET, SOUTH SIDE OF FARMSTEAD ROAD AND THE SOUTH SIDE OF BLAINE COURT.
23. THE TURN-AROUND RADIUS LOCATED ON THE NORTH END OF NORTH 26TH STREET FROM 30 FEET TO 22.5 FEET.

0 OR DECK
OF 3' ABOVE

DATE PREPARED:

9/25/01

LEGAL DESCRIPTION: (this amendment to C.U.P.)

A tract of land composed of Lots 1 - 8, Block 8; Lots 17 - 27, Block 9; Lot 1, Block 10; Lot 1, Block 11; Outlots 'A', 'C' and 'D'; and a portion of the remaining portion of Outlot 'A', Tabitha New Community Addition, located in the NE 1/4 of Section 1, T. 10 N., R. 6 E., of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, described as follows:

Beginning at the northeast corner of said Lot 1, Block 11 and extending thence South 00 degrees, 15 minutes, 14 seconds West, a distance of 239.80 feet;

Thence South 00 degrees, 15 minutes, 18 seconds West, a distance 354.85 feet;

Thence South 89 degrees, 57 minutes, 11 seconds West, a distance of 166.78 feet;

Thence North 00 degrees, 07 minutes, 49 seconds East, a distance of 8.14 feet;

Thence North 89 degrees, 48 minutes, 15 seconds West, a distance of 105.26 feet to a point on a circular curve to the left having a central angle of 7 degrees, 44 minutes, 59 seconds, a radius of 318.49 feet and whose chord (43.05 feet) bears North 35 degrees, 53 minutes, 24 seconds West;

Thence along said curve 43.08 feet;

Thence North 39 degrees, 45 minutes, 54 seconds West, a distance of 362.72 feet;

Thence North 50 degrees, 25 minutes, 01 seconds East, a distance of 33.78 feet to a point on a circular curve to the right having a central angle of 39 degrees 54 minutes 32 seconds, a radius of 55.00 feet and whose chord (37.54 feet) bears North 70 degrees, 11 minutes, 01 seconds East;

Thence along said curve 38.31 feet;

Thence South 89 degrees, 49 minutes, 16 seconds East, a distance of 49.97 feet;

Thence North 00 degrees, 33 minutes, 44 seconds East, a distance of 19.17 feet;

Thence South 89 degrees, 43 minutes, 24 seconds East, a distance of 162.51 feet;

Thence North 35 degrees, 54 minutes, 03 seconds East, a distance of 24.21 feet to a point on a circular curve to the right having a central angle of 23 degrees, 20 minutes, 46 seconds, a radius of 210.00 feet and whose chord (84.98 feet) bears South 66 degrees, 00 minutes, 19 seconds East;

Thence along said curve 85.57 feet;

Thence North 00 degrees, 14 minutes, 15 seconds East, a distance of 235.73 feet;

Thence South 89 degrees, 46 minutes, 13 seconds East, a distance of 165.08 feet to the point of beginning containing 4.32 acres more or less.

Legal Description Of Tabitha C.U.P.

Part of the north one-half of the Northeast Quarter and a part of the Southeast Quarter of the Northeast Quarter, all in Section 1, Township 10 North, Range 6 East of the 6th Principal Meridian, in Lancaster County, Nebraska, Of which includes the following subdivisions. Tabitha New Community Addition, 1st Addition and 2 Addition, A replat of blocks 5 and 7, Tabitha New Community Addition, and Tabitha New Community 1st Addition replat, Autumn Lakeview addition, Autumn Lakeview 1st and 2nd addition, Tabitha New Community 3rd addition, Merrill Addition, Merrill 1st Addition, Replat of Blk 2 Tabitha New Community Addition, the Vacated Williams Way, and the Vacated Farmstead Road, more particularly described as follows:

Beginning at a point 33.00 feet southerly from the north line of, and 33.00 feet westerly from the east line of the northeast quarter of said section 1, and assuming the east line of said northeast quarter to bear north 01 degrees 36 minutes 56 seconds west; thence south 88 degrees 21 minutes 11 seconds west, along a line 33.00 feet southerly from and parallel to the north line of said northeast quarter, a distance of 593.07 feet; thence south 08 degrees 23 minutes 49 seconds east, a distance of 161.77 feet; thence south 39 degrees 36 minutes 11 seconds west, a distance of 272.00 feet; thence south 06 degrees 21 minutes 11 seconds west, a distance of 542.00 feet; thence south 23 degrees 21 minutes 11 seconds west, a distance of 165.00 feet; thence south 04 degrees 18 minutes 49 seconds east, a distance of 208.00 feet; thence south 88 degrees 23 minutes 05 seconds west, a distance of 386.24 feet; thence south 89 degrees 42 minutes 44 seconds west, a distance of 683.52 feet to the northwest corner of lot 1, block 2 of Tabitha New Community 2nd Addition; thence south 01 degrees 51 minutes 11 seconds east, along the west line of said lot 1, a distance of 643.53 feet; thence along the arc of a curve to the left, said curve having a radius of 440.00; an initial tangent bearing south 53 degrees 57 minutes 43 seconds east, and an interior angle of 14 degrees 39 minutes 12 seconds, an arc distance of 112.53 feet to a point of tangency; thence south 68 degrees 36 minutes 55 seconds east along said line of tangency, a distance of 866.24 feet to a point of curvature of a curve to the left, said curve having a radius of 341.56 feet and an interior angle of 42 degrees 00 minutes 00 seconds; thence along the arc of said curve, a distance of 250.37 feet to a point of tangency; thence north 69 degrees 23 minutes 02 seconds east, a distance of 344.24 feet to a point of curvature of a curve to the right, said curve having a radius of 318.55 feet and an interior angle of 19 degrees 00 minutes 00 seconds; thence along the arc of said curve, a distance of 105.63 feet to a point of tangency; thence north 88 degrees 23 minutes 04 seconds east, along said line of tangency, a distance of 387.00 feet to a point 33.00 feet westerly of the east line of the northeast quarter of said section 1; thence north 01 degrees 36 minutes 56 seconds west, along a line parallel to and 33.00 feet westerly from the east line of said northeast quarter, a distance of 2161.00 feet to the point of beginning, generally located at 27th and Fletcher Avenue, a calculated area of 61.96 acres, more or less.

Memorandum

To: Jason Reynolds, Planning Department

From: Charles W. Baker, Public Works and Utilities *CB*

Subject: Revised Preliminary Plat # 01016 & Special Permit # 692 L
Tabitha New Community

Date: December 19, 2001

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the revised Preliminary Plat for Tabitha New Community and Special Permit # 692 L. Public Works has the following comments:

Reference Brian Carstens' letter to the Planning Department dated November 30, 2001.

- Item 6. Public Works has reviewed the drainage study and still has objections to the storm water detention being located within the street area on North 26th Place. The proposed 6" pipes in the curb line to drain the area under the sidewalk to the east does not meet design standards. The small diameter pipes will clog and become a maintenance problem. The depth of the water will be at 8" with the 2-year storm event and overflow with the 10-year. The detention area must be outside the street. It appears a detention cell can be built between 26th and 27th Streets at that location with a structure where the storm sewer pipe is now shown on the plan that possibly could meet design standards. The 15" storm sewer along North 27th Street needs to be outside the public right-of-way on private property.
- Item 7. The sanitary sewer on the same side of Enterprise Drive as the water main does not meet design standards. Public Works will support the waiver that will be required for the placement of the sewer line in the location as shown.
- Items 8 thru 14, 19 and 21 have been satisfactorily addressed.



INTER-DEPARTMENT COMMUNICATION

DATE December 11, 2001

TO Jason Reynolds, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #55N-26E

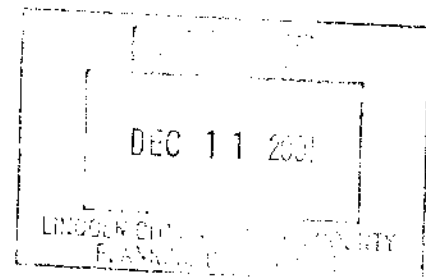
Attached is the Preliminary Plat and CUP for Tabitha New Community 3rd Addition.

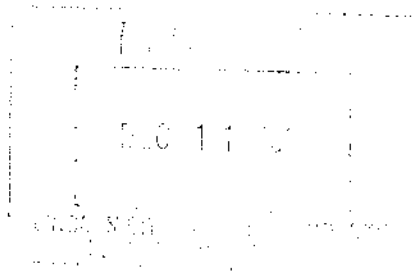
In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFOUDEDEAS.Frm





Memo

To: Becky Homer, Planning Department
From: Mark Canney, Parks & Recreation *MC*
Date: December 10, 2001
Re: Tabitha New Community 3rd Addition

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01109**

Address

Job Description: **TABITHA NEW COMMUNITY 3RD**

Location: **TABITHA NEW COMMUNITY**

Special Permit: **N**

Preliminary Plat: **Y 01016**

Use Permit: **N**

CUP/PUD: **Y 692L**

Requested By: **JASON REYNOLDS**

Status of Review: **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments:

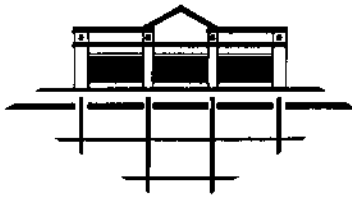
Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

RECEIVED

DEC - 5 2001

CITY OF LINCOLN



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 20, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY 3RD ADDITION
SPECIAL PERMIT #926L AND PRELIMINARY PLAT #01016

Dear Kathleen,

This letter is in response to a phone conversation I had with Jason Reynolds this morning.

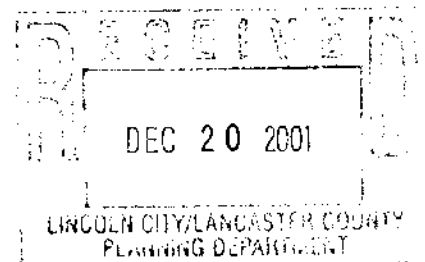
We are requesting a waiver to allow sanitary sewer and water to be located on the same side of Enterprise Drive. Public Works is aware of this waiver and do not have any objections as per the information we received from Jason.

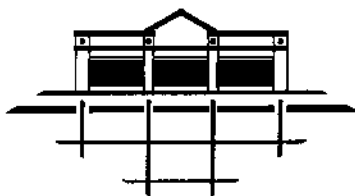
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Southview Inc.
Seacrest and Kalkowski
Lyle Loth





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 11, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY 3RD ADDITION
SPECIAL PERMIT #926L AND PRELIMINARY PLAT #01016

Dear Kathleen,

This letter is in response to a phone conversation I had with Jason Reynolds this morning. The Special Permit as submitted is for elderly and retirement housing. I have confirmed this with Jerry Schleich this morning.

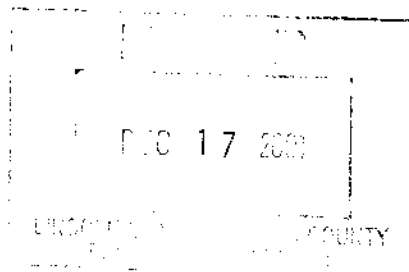
However, Jerry pointed out that the original covenants for the Tabitha New Community reference a minimum age of 55 years or older for the residents. He stated that Federal laws also reference the 55 year age. You might want to look into the differences, and possibly update our zoning ordinance to reflect Federal regulations.

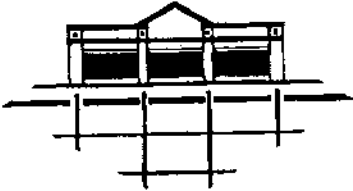
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Southview Inc.
Seacrest and Kalkowski
Lyle Loth





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 30, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY THIRD ADDITION
PRELIMINARY PLAT #01016 & COMMUNITY UNIT PLAN / SPECIAL PERMIT #692L

Dear Kathleen,

On behalf of the owner, Southview, Inc., we are re-submitting the following revisions as requested.

1. An Administrative Subdivision Permit has been previously approved.
2. A note has been added to the grading plan indicating that the contours are NAVD 1988.
3. The existing trees have been shown and labeled.
4. The certificate for Planning Commission approval of the Preliminary Plat has been added.
5. The density calculations for the Community Unit Plan have been provided.
6. An additional copy of the drainage study has been submitted. The previous submittal included this study, however the study did not get distributed to Public Works.
7. The sanitary sewer has been modified, as per conversations with Public Works; no waiver is required at this time.
8. A proposed water main has been shown on the north side of Blaine Court.
9. The water system has been modified to loop back to North 27th Street.
10. The lot depth of those lots adjacent to North 27th Street has been changed to 120 feet.
11. The sight distance at all intersections has been shown.
12. Note #10 has been added to relinquish access to North 27th Street.
13. Farmstead Road has been modified to 27 feet wide as per conversations with Public Works. Williamson Way has been removed from the development.
14. Williamson Way has been removed from the development.
15. The drawing has been revised to remove as many overlaps of elements as possible.

Page 2

16. The legal description has been modified to state all lots and outlots included.
17. North 26th Street has been renamed to North 26th Place.
18. A public access easement has recently been granted over Blaine Court.
19. The sidewalks shown do provide adequate pedestrian access to the units. We have shown a sidewalk in North 26th Place that ties to the existing sidewalk system in the common area.
20. We are in agreement with this statement.
21. The public access easement has been widened to include the sidewalks.
22. Sugar Tyme Crabapple has been substituted for Snowdrift Crabapple.
23. The Bradford Pear is no longer needed since Williamson Way has been removed from the development.
24. Waiver #5 has been modified.
25. The reference to duplexes has been changed to single family attached units.
26. The utility easements have been shown as required by L.E.S.
27. The utility plan was not sent to Bob Fiedler during the original review.

Please contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Southview, Inc.
Kent Seacrest / DeNay Kalkowski

ENCLOSURES:

20 sets of sheets 1 through 4 and C1-ISP originally created by Davis Design
8-1/2" x 11" reductions of the plans
3 copies of the drainage study

File

Lincoln



Nebraska's Capital City

October 25, 2001

Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Road - Suite C
Lincoln, NE 68512

RE: Tabitha New Community 3rd C.U.P. - Preliminary Plat #01016 and Special Permit #692L

Dear Brian:

Your preliminary plat has been reviewed by the county staff, the city staff and other agencies involved in land subdivision. The review found the plans must be revised to bring them into compliance with the regulations. Those revisions include:

1. The area of the Remaining Portion of Outlot "A" outside this plat will be less than 10 acres. The Land Subdivision Ordinance requires subdivision approval by the City when the smallest parcel created is ten acres or less. All of Remaining Portion of Outlot "A" must be included in this plat unless the records in the Register of Deeds shows that the boundaries of this plat were created before and have not been changed since July 28, 1959. You may either include all of the Remaining Portion of Outlot "A" in this Preliminary Plat or subdivide it through a separate Administrative Final Plat.
2. Add a label to the grading plan indicating that contours are NAVD 1988.
3. On the landscape plan, show the existing trees/tree masses and label the trees which are being removed.
4. Add the certificate for Planning Commission approval of the Preliminary Plat.
5. Provide density calculations for the Community Unit Plan.
6. A drainage study is required by section 26.15.020(b).
7. The Department of Public Works & Utilities notes that no sanitary sewer waiver is required if sewers follow street grades and outlet to N. 26th Street rather than Enterprise Drive.
8. Water mains are required to serve Lots 13, 14, 15 and 16.
9. The water system must be looped to N. 27th Street.



10. The waiver of 120' lot depth adjacent to arterial streets is inappropriate. There is no apparent public benefit, especially since N. 27th Street is a major entrance to the city with a large volume of traffic and the attendant noise.
11. Show T-intersection sight distance for all intersections - it appears that the front yard setback waiver requests cause sight distance conflicts.
12. Lots 1-2, Block 1 and Lots 1-11, Block 2 shall relinquish direct vehicular access to N. 27th Street.
13. Williamson Way and N. 26th Street must be built as 27' wide private roadways in accordance with design standards. The Department of Public Works & Utilities does not support a waiver.
14. The Department of Public Works & Utilities recommends removing the Williamson Way connection to N. 27th Street. If the connection is to remain, a right turn lane should be constructed into Williamson Way and additional right-of-way dedicated.
15. Revise the drawing so that easement labels and dimensions do not overlap other elements.
16. All lots and outlots must be included in the legal description.
17. The street name south of Farmstead Road should be N. 26th Circle, Place, Court, or Bay.
18. A public access easement must be granted over Blaine Court before lots in this subdivision may take access from it.
19. Provide sidewalks on both sides of all private roadways in accordance with section. 26.23.095. If this development is to take advantage of the Tabitha recreation facilities, it must have good pedestrian linkages to those facilities.
20. If approved, the Community Unit Plan will void and supercede Special Permit #692J, which allowed the storage of recreational vehicles on Lot 1, Block 11 of Tabitha New Community and vacated Farmstead Road.
21. Label the public access easement across the sidewalks.
22. Substitute Sugartyme crabapple or Donald Wyman crabapple for the Snowdrift crabapple.
23. Substitute the Aristocrat, Capital, Chanticleer or Redspire Pear for the Bradford Pear.
24. Change requested waiver Note #5 to refer to the property line of Lot 12, Block 4.

25. The references to duplexes should be changed to single family attached units.
26. Provide easements as required by L.E.S.
27. Provide water service and fire hydrants acceptable to the Fire Department.

In addition you should be aware of the following general requirements:

1. You must complete, or post a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, at your own expense, in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
2. You must agree:
 - 2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 2.2 To complete the private improvement shown on the preliminary plat and Community Unit Plan.
 - 2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - 2.4 To continuously and regularly maintain the street trees along the private roadways and landscape screens.
 - 2.5 To submit to the lot buyers and builders a copy of the soil analysis.
 - 2.6 To pay all improvement costs.
 - 2.7 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - 2.8 To protect the remaining trees on the site during construction and development.
 - 2.9 To relinquish direct vehicular access to N. 27th Street, except at Williamson Way.

- 2.10 To properly abandon any individual sewer systems and wells to the satisfaction of the Lincoln-Lancaster County Health Department.

All deviations from the Land Subdivision Ordinance and the adopted Design Standards must be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent of the Land Subdivision Ordinance and why the deviation should be accepted must be submitted with the revised preliminary plat. Refer to Section 26.15.030(d) of the Lincoln Municipal Code.

There are a number of Community Unit Plan issues which are not specifically addressed in the Subdivision Ordinance.

1. The reductions in setbacks do not meet the intent of the C.U.P. There should be a public benefit for the yard reductions. For example, the rest of Tabitha features clusters of townhouses and duplexes while maintaining areas of open space. Unless the site plan is designed to provide adequate open space for the residents, no front or rear yard waivers are acceptable.
2. If this area were developed as a separate C.U.P., it would be permitted 20 dwelling units. The increased density may be appropriate as part of the larger Tabitha C.U.P., provided that there is adequate open space within this cluster.
3. The south side of Blaine Court should be single family so that both sides of the street match.
4. A front yard setback reduction may be appropriate on the east side of N. 26th Street so that the buildings may be shifted further away from N. 27th Street.
5. A landscape screen would be preferable to the 6' fence along N. 27th Street.
6. Identify building envelopes and indicate where patios and decks will be located.
7. Indicate the number of parking places per dwelling unit.
8. Break up the monotonous streetscape by varying the design of the buildings' front facades.

I highly recommend meeting with Planning and Department of Public Works & Utilities staff prior to submitting revised plans.

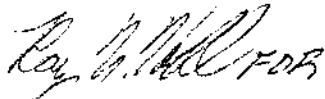
The next step in the review process requires a written response from you indicating agreement or disagreement (including a list of waivers) with each of the preceding revisions and general requirements. The revised preliminary plat and accompanying documents must be submitted 5 Mondays before the Planning Commission hearing.

Following the review of the revised plans and your response to the issues, I will re-evaluate the proposed preliminary plat for compliance with code requirements and design standards.

Please find attached reports from other departments who reviewed your plans.

Jason Reynolds will gladly assist you in processing this plan and you may contact him at 441-7620.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay A. Sellman" followed by "FOR".

Kathleen A. Sellman, AICP
Director of Planning

cc: Southview, Inc.
Dennis Bartels, Public Works & Utilities
City-County Health Department
Building & Safety
Parks & Recreation
Fire Department
Ray Hill, Planning
File

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